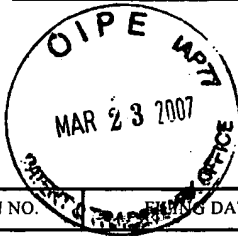




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EXAMINER	
FABER, DAVID	
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2178	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/697,873

Applicant(s)

LUMERA ET AL.

Examiner

David Faber

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2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the Request for Continued Examination filed on 16 January 2007.

This office action is made Non-Final.

2. Claims 1, 2, 4, 6, 8-18, 22, and 27 have been amended.
3. The rejection of Claims 1-18, 20, 22, 25, 27, and 28 under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (US Patent #6,434,568, filed 8/31/1999) has been withdrawn necessitated by the amendment. The rejection of Claims 24 and 30 under 35 U.S.C. 112, first paragraph has been withdrawn based on Applicant's arguments that were fully considered and persuasive. The rejection of Claims 24 and 30 under 35 U.S.C. 112, second paragraph has been withdrawn based on Applicant's arguments that were fully considered and persuasive. The rejection of Claim 19 under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (US Patent #6,434,568, filed 8/31/1999) in further view of Alder et al ("Extensible Stylesheet Language (XSL), Version 1.0"; published 10/15/2001, pp 1-14) has been withdrawn necessitated by the amendment. The rejection of Claims 21, 23-24, 26, and 29-30 under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (US Patent #6,434,568, filed 8/31/1999) in further view of Castro ("XML for the World Wide Web: Visual Quickstart Guide"; published 10/15/2001, pp 1-2) has been withdrawn necessitated by the amendment. The rejection of Claim 1 under double patenting has been withdrawn necessitated by the amendment.
4. Claims 1-30 are pending. Claims 1, 14, and 17 are independent claims.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. As per claims 1, 14, and 17, Claims 1, 14, and 17 recite the limitation "generates data and metadata by separating content of the at least one document from its formatting and presentation. " It is unclear to the Examiner of what the claim limitation means by its formatting and presentation, wherein the phrase can be viewed as one element or formatting and presentation can be viewed as two elements. If it viewed as two elements, Examiner is unsure why formatting and presentation be viewed as separate since formatting is and is viewed as presentation. Therefore, Claims 1, 14, and 17 are rejected under 35 USC 112, second paragraph, for being vague and indefinite. Throughout this Office Action, Examiner will view the claim limitation as "generates data and metadata by separating content of the at least one document from its presentation"

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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9. Claims 1-30 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For your reference, below is a section from MPEP 2105 :

(a) Functional Descriptive Material: "Data Structures" Representing Descriptive Material Per Se or Computer Programs Representing Computer Listings Per Se
Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions.

Computer programs are often recited as part of a claim. Office personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program. Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material per se and hence nonstatutory.

Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and Office personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material. When a computer program is claimed in a process where the computer is executing the computer program's instructions, Office personnel should treat the claim as a process claim. See paragraph IV.B.2(b), below. When a computer program is recited in conjunction with a physical structure, such as a computer memory, Office personnel should treat the claim as a product claim.

10. Claims 1-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims appear to be claiming "software

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systems" i.e. systems without hardware indication, which is a computer program per se. Since the claims disclose computer program per se that is not embodied on a computer readable medium, they appear non-statutory.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-18, 20, 22, 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (US Patent #6,434,568, filed 8/31/1999) in further view of Jones et al (US Patent 6,493,731, filed 1/27/1999)

As per independent Claim 1, Bowman-Amuah discloses a system comprising:

- a workflow component (FIG 12)
- a data repository (FIG 14)
- a media manager component (FIG 11, 13: Discloses a window system that is able to present a web browser, graphics, and forms of multimedia.

Presentation Services enable an application to manage the human-computer interface listing products to enable the component such as Windows OS that contains an interface. The Presentation Services include an Window System (e.g. Window OS) that is connected to a Desktop Manager, a Web browser, etc. (FIG 13) Column 106, lines 54-67) In conjunction with window system of

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the presentation services, CORBA (Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67), which is an interface for connecting all components to communicate within a system) allows the window system to communicate with the media manager component and every other component.)

- an application server wherein said application server is connected to said data repository, said media manager component and said workflow component. (FIG 12 discloses application services. Since FIG 12 is the server component of FIG 10, which discloses a client-server system, the application services in FIG 12 is an application server component. The workflow and data repository components are connected to the server, thus connected to the application services internally. In addition, Bowman-Amuah discloses an infrastructure for building components so they can communicate within an application and across applications on the same machine or multiple machines to work together. (FIG 27; Column 106, line 54 – 67) Also, Bowman-Amuah discloses the Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67) is based on CORBA, which is an interface for connecting all components to communicate within a system. (Column 106, lines 54-67) In conjunction with window system, CORBA allows the window system to communicate with the application server.)

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However, Bowman-Amuah fails to specifically disclose wherein the media manager component integrates at least one document into the documentation system. However, Bowman-Amuah discloses "If the Web Application consists of more than just a few HTML documents, integration with a document management system should be considered", thus suggest the use of document integration with a document management system is possible. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Bowman-Amuah's system that includes a media manager component to have include the feature of document integration with a document management system since it would have provided the automated and accelerated the creation, modification and reuse of business documents, Web pages, and other unstructured data and all of the collaborative efforts involved.

Furthermore, Bowman-Amuah fails to specifically discloses the media manager generates data and metadata by separating content of the at least one document from its formatting and presentation and stores the data and metadata describing the at least one document using the data repository and modifies the metadata associated with the at least one document. However, Jones et al discloses a document management system that generates and stores content and metadata separately. (Abstract, lines 13-16; FIG 4; Col 6, lines 22-34, 42-56) In addition, Jones et al discloses that the document's author has the ability to modify its metadata at any time even after copies of the document are distributed. (Col 12, lines 18-23; Claim 2)

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It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Bowman-Amuah system's media manager with Jones et al's system of generating and storing data and metadata separately since it would have provided the benefit of the metadata of the document remaining consistent even when multiple copies of the document are distributed over a network.

As per dependent Claim 2, Bowman-Amuah discloses a system comprising:

- a data repository adapter, and (FIG 14 discloses Database Services that include Database Access Services which enable applications to retrieve data from a database as well as manipulate data in a database (Col. 49, line 55 – Col. 50, line 9; Column 52, lines 45-48). This disclosure is a form of an adapter within the Database Services)
- a data repository interface, wherein said repository interface is connected to said data repository adapter and said application server. (Column 52, lines 58-63: Discloses to achieve database access requires a Standards Based SQL API. Using this API with the Database Access Services, the user is able to access the Database Storage)

As per dependent Claim 3, Claim 3 recites similar limitations as in Claim 1 and 2 and is similarly rejected under rationale. Furthermore, since Database Services (being an adapter) is connected to Document Services, applications required integration with a database manager, (Col 50, lines 4-5) and the media manager component through the

interface communication by CORBA and the incorporation of document integration from Claim 1 included under rationale, the media manager would have operated with Document Services along with Database Services to have saved the at least one document and metadata into the data repository (since has access to it) when the functionality of translating the document and metadata is processed.

As per dependent Claim 4, Bowman-Amuah discloses a system further comprising:

- a program adapter, and a media manager interface, wherein said media manager interface is connected to said program adapter and said application server. (FIG 10; Column 35, lines 21-38 – Discloses that Presentation Services enable an application to manage the human-computer interface listing products to enable the component such as Windows OS that contains an interface. The Presentation Services include an Window System (e.g. Window OS) that is connected to a Desktop Manager, a Web browser, etc. (FIG 13) The Web browser allows users to view and interact with applications and documents that contain data such as text, graphics and audio. (Column 39, 53-60) Since, the web browser is connected to the Window System (e.g. Windows OS) and able to display a form of media, it is considered a form a media manager interface. Since an OS is a program consisting of multiple programs, it is inherent that Presentation Services, and Web Browser Services disclose a form of program adapters since the services disclose a

link to the Window System enabling the programs' functionality, thus connected to the programs. In addition, Bowman-Amuah discloses a Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67), which is based on CORBA, which is an interface for connecting all components to communicate within a system. In conjunction with Window System, CORBA allows the Window System to communicate with the application server.)

As per dependent Claim 5, Bowman-Amuah discloses the data repository adapter maps functionality of the data repository. (Since Database Access Services enable applications to retrieve data from a database as well manipulate data in a data, wherein this is form of an adapter, so that in order for this functionality to occur, it must be inherently mapped to the data repository.)

As per dependent Claim 6, Bowman-Amuah discloses a system comprising:

- a workflow engine adapter; and a workflow interface, wherein said workflow interface is connected to said workflow engine adapter and said application server. (Bowman-Amuah discloses the Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67) is based on CORBA, which is the interface for connecting all components to communicate within a system. Thus, since the workflow component is connected to the Base Services component and the System's Environment

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on the server (FIG 10), its inherent that since Bowman-Amuah's system is using the CORBA interface, an adapter is presented for the Workflow Services within the Base Services allowing the workflow engines to be able to communicate with the application server.)

As per dependent claim 7, Claim 7 recites similar limitations as in Claim 2 and is similarly rejected. Furthermore, Database Services (adapter) enables an application to retrieve data from a database as well manipulate (insert, update, delete) data in a database. Bowman-Amuah further discloses, SQL, is the primary approach for accessing records in database management systems such as Access Services of Database Services. (Column 52, lines 45-48). Therefore, Access Service is a form of a handler that supports data transformation for read and write operations.

As per dependent Claim 8, Claim 8 recites similar limitations claimed in Claim 2 and is rejected under rationale. Furthermore, Bowman-Amuah discloses:

- one or more data repositories; (FIG 14, 1414)
- a data repository adapter, wherein said data repository adapter is connected to said one or more data repositories; and (FIG 14; Column 52, lines 45-48: since Access Services is able to access the repository, its connected to the repository)

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As per dependent Claim 9, Claim 9 recites similar limitations claimed in Claim 4 and is rejected under rationale. Furthermore, Bowman-Amuah discloses a system comprising:

- one or more programs; (Column 109, 32-42: Lists a number of operating systems the system may use.)

As per dependent Claim 10, Claim 10 recites similar limitations claimed in Claim 6 and is rejected under rationale. Furthermore, Bowman-Amuah discloses a system comprising:

- one or more workflow engines (FIG 12; Column 120, line 12 – Column 122, 19)

As per dependent Claim 11, Bowman-Amuah discloses a system comprising:

- a publishing component, wherein said publishing component is connected to said application server. (FIG 19; Column 71, lines 49-54. This publishing component is apart of Messaging component of the communications component on the server. With the use of the CORBA framework that allows communications with all components within a system, (FIG 10; FIG 27; Column 106, line 54 – 67) the publishing component is connected to the application server.)

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As per dependent Claim 12, Claim 12 recites similar limitations claimed in Claim 11 and are rejected under rationale. Bowman-Amuah discloses a system comprising:

- a publishing adapter; and a publishing interface wherein said publishing interface is connected to said publishing adapter and said application server. (Column 71, lines 5-19: The publishing component of Bowman-Amuah, Publish and Subscribe, is apart of a Message-Orient Middleware (MOM) that is responsible for managing the interface to the underlying communications architecture via communications APIs. Thus, the MOM is considered an adapter for the publishing component. In addition, the MOM is consider is an interface since it has the following capabilities: transferring data to the proper data, passing results information and status to the application, etc.)

As per dependent Claim 13, Claim 13 recites similar limitations claimed in Claim 12 and are rejected under rationale. Bowman-Amuah discloses a system comprising: one or more publishing applications (Column 72, lines 6-9)

As per independent Claim 14, Claim 14 recites similar limitations as in Claim 1 and is similarly rejected under rationale. Furthermore, Bowman-Amuah discloses a system comprising:

- a data repository (FIG 14) having a data repository adapter (FIG 14 discloses Database Services that include Database Access Services which enable applications to retrieve data from a database as well as manipulate data in a

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database (Column 52, lines 45-48). This disclosure is a form of an adapter within the Database Services) connected to a data repository interface; (Column 52, lines 58-63: Discloses to achieve database access requires a Standards Based SQL API. Using this API with the Database Access Services, the user is able to access the Database Storage)

- a media manager component (FIG 11, 13: Discloses a window system that is able to present a web browser, graphics, and forms of multimedia.) having a program adapter connected to an media manager interface; (FIG 10; Column 35, lines 21-38 – Discloses that Presentation Services enable an application to manage the human-computer interface listing products to enable the component such as Windows OS that contains an interface. The Presentation Services include a Window System (e.g. Window OS) that is connected to a Desktop Manager, a Web browser, etc. (FIG 13) The Web browser allows users to view and interact with applications and documents that contain data such as text, graphics and audio. (Column 39, 53-60) Since, the web browser is connected to the Window System (e.g. Windows OS) and able to display a form of media, it is considered a form a media manager interface. Since an OS is a program consisting of multiple programs, it is inherent that Presentation Services, and Web Browser Services disclose a form of program adapters since the services disclose a link to the Window System enabling the programs' functionality, thus connected to the programs.

- In addition, Bowman-Amuah discloses a Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67) which is based on CORBA, which is an interface for connecting all components to communicate within a system. In conjunction with Window System, CORBA allows the Window System to communicate with the application server component.)
- a workflow component (FIG 12) having a workflow engine adapter connected to a workflow interface; and (Bowman-Amuah discloses Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67) is based on CORBA is the interface for connecting all components to communicate within a system. Thus, since the workflow component is connected to the Base Services component and the System's Environment on the server (FIG 10), its inherent that since Bowman-Amuah's system is using the CORBA interface, an adapter is presented for the Workflow Services within the Base Services to be able to communicate with the components.)
 - an application server wherein said application server component is connected to said data repository, said media manager component and said workflow component. (FIG 12 discloses application services. Since FIG 12 is the server component of FIG 10, which discloses a client-server system, the application

services in FIG 12 is an application server component. The workflow and data repository components are connected to the server, thus connected to the application services internally. In addition, Bowman-Amuah discloses an infrastructure for building components so they can communicate within an application and across applications on the same machine or multiple machines to work together. (FIG 27; Column 106, line 54 – 67) Also, Bowman-Amuah discloses the Component Framework of the System's Environment (FIG 10; FIG 27; Column 106, line 54 – 67) is based on CORBA, which is an interface for connecting all components to communicate within a system. (Column 106, lines 54-67) In conjunction with window system, CORBA allows the window system to communicate with the application server component.)

As per dependent Claim 15, Claim 15 recites a system for performing the system of Claim 11. Therefore, Claim 15 is similarly rejected under Bowman-Amuah.

As per dependent Claim 16, Claim 16 recites a system for performing the system of Claim 12. Therefore, Claim 16 is similarly rejected under Bowman-Amuah.

As per independent Claim 17, Claim 17 recites a system performing similar limitations of the combinations of Claims 8, 9, and 10 and is similarly rejected under Bowman-Amuah. Furthermore, Bowman-Amuah discloses storing documents (Column 52, lines 44-47; Col. 54, lines 10-32; Col 56, line 65-66); however, Bowman-Amuah fails to specifically disclose storing the documents using extensible markup language. On the

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other hand, Bowman-Amuah discloses the use of XML documents and its benefits within a database. (Col. 41, line 51 – Col. 42, line 22) It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Bowman-Amuah's system with document storage to include the ability to save XML documents since XML documents would have improved document structure, and make it possible to effectively index and search for information in databases and on the Web.

As per dependent Claim 18, Claim 18 recites a system for performing the system of Claim 13. Therefore, Claim 18 is similarly rejected under Bowman-Amuah.

As per dependent claim 20, Claim 20 recites similar limitations as in Claim 1 and is similarly rejected under rationale. Furthermore Bowman-Amuah comprises a markup language editor (Column 40, lines 49-53: discloses the use of the Notepad utility to edit be able to create HTML files, a markup language.

As per dependent claim 22, Bowman-Amuah discloses the data repository stores the documents. (Column 52, lines 44-47; Col. 54, lines 10-32; Col 56, line 65-66) however, Bowman-Amuah fails to specifically disclose storing the documents using extensible markup language. On the other hand, Bowman-Amuah discloses the use of XML documents and its benefits within a database. (Col. 41, line 51 – Col. 42, line 22) It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Bowman-Amuah's system with document storage to include the ability to save XML documents since XML documents would have improved document structure, and make it possible to effectively index and search for information in databases and on the Web.

As per dependent claim 25, Claim 25 recites similar limitations as in Claim 20, and is similarly rejected under rationale.

As per dependent claim 27, Claim 27 recites similar limitations as in Claim 22, and is similarly rejected under rationale.

As per dependent claim 28, Claim 28 recites similar limitations as in Claim 7, and is similarly rejected under rationale.

13. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (US Patent #6,434,568, filed 8/31/1999) in further view of Jones et al (US Patent 6,493,731, filed 1/27/1999) in further view of Alder et al ("Extensible Stylesheet Language (XSL), Version 1.0"; published 10/15/2001, pp 1-14)

As per dependent claim 19, Claim 19 recites similar limitations as in Claim 7 and is similarly rejected under rationale. Furthermore, Bowman-Amuah fails to disclose at least handler uses extensible style language. However, Adler et al discloses the ability on using XML for expressing spreadsheets. Since Database Services acts as a handler that enables to manipulate data into the database, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Bowman-Amuah's system with Database Service and Jones et al's system of generating and storing data and metadata separately to include Adler et al's disclosure of XSL and the use of XSL since XSL would it would have provided designers to express their intentions about how that structured content should be presented; that is, how the source content should be styled, laid out, and paginated onto some presentation

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medium, such as a window in a Web browser or a hand-held device, or a set of physical pages in a catalog, report, pamphlet, or book.

14. Claims 21, 23-24, 26, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (US Patent #6,434,568, filed 8/31/1999) in further view of Jones et al (US Patent 6,493,731, filed 1/27/1999) in further view of Castro ("XML for the World Wide Web: Visual Quickstart Guide"; published 10/15/2001, pp 1-2)

As per dependent claim 21, Bowman-Amuah fails to specifically disclose the markup language editor comprises an extensible markup language editor. However, Castro discloses that you can write XML with a simple text editor like Windows' Notepad. (pg 1) Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Bowman-Amuah and Jones et al's ability to use Notepad program to edit HTML files to include the ability to write XML files since it would have provided the ability to create, view, or edit XML documents without installing additional programs since Notepad is provided with Windows OS.

As per dependent claims 23 and 24, Bowman-Amuah discloses the system has the ability to create a document using a text editor to create HTML files, a document, wherein the files would be stored in the database control by Access and/or Document Services. However, Bowman-Amuah fails to specifically disclose creating at least one XML document. However, Castro discloses that you can write XML with a simple text editor like Windows' Notepad. (pg 1) Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Bowman-Amuah and

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Jones et al's ability to use Notepad program to edit HTML files to include the ability to write XML files since it would have provided the ability to create, view, or edit XML documents without installing additional programs since Notepad is provided with Windows OS.

As per dependent claim 26, Claim 26 recites similar limitations as in Claim 21, and is similarly rejected under rationale.

As per dependent claims 29 and 30, Claims 29 and 30 recites similar limitations as in Claim 23 and 24, and are similarly rejected under rationale.

Response to Arguments

15. Applicant's arguments on the Claim Rejections under 35 U.S.C. 101 of Claims 1-18 filed 1 June 2006 have been fully considered but they are not persuasive.

In regards to the Applicant arguing Claim 1, 14, and 17 containing statutory subject matter, Examiner disagrees.

16. Claims 1-30 disclose a component independent documentation system wherein the claims themselves as written fail to disclose any form of hardware indication since the data repository and an application server are not viewed as physical structure. The data repository may be viewed as a physical structure according to the Applicant; however, the claim language itself does not indicate that the data repository is a physical structure and there is viewed a data structure. Since the data structure is not being physically disclosed on any hardware which the claim language, it acts as a computer program. Furthermore, the application server does not state in the claim

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language as being an actual server. While Applicant may view an application server as a server that contains hardware and applications, Examiner views as the application server as an application(s) designed to serve, an application with no physical structure whatsoever since the claim language does not indicate any hardware.

Therefore, the claims, themselves, lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory. They are, at best, functional descriptive material per se. Thus, in regards to claims 1-30, the claims, as written, appear to be claiming "software systems" i.e. systems without hardware indication, which is computer program per se. The claims as written do not recite any hardware indication.

17. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

18. Arguments addressed in regards to the new limitations of Claims 1-18 brought forth in the amendment in regards of generates data and metadata by separating content of the at least one document from its formatting and presentation and stores the data and metadata describing the at least one document using the data repository has been viewed by the new grounds of rejection of 35 USC 103(a) under Jones et al (US Patent 6,493,731, filed 1/27/1999).

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Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Alexander (US Patent 6,732,331): Discloses managing content organized in documents using metadata.

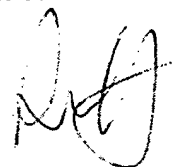
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Faber
Patent Examiner
AU 2178

DF



STEPHEN HONG
SUPERVISORY PATENT EXAMINER

Notice of References Cited	Application/Control No. 10/697,873		Applicant(s)/Patent Under Reexamination LUMERA ET AL.	
	Examiner David Faber		Art Unit 2178	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,493,731	12-2002	Jones et al.	715/501.1
*	B	US-6,732,331	05-2004	Alexander, Vlad	715/513
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
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	Q					
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	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	V	
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	X	

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